

People v. Robinson Jeffries

First of all, as to “armed with the following” at the end of the statement of facts: a and b. These things have nothing directly to do with impeachment by prior inconsistent statements per se. The locked downstairs door with the buzzer is something that might be brought out on cross. The lack of a cut or other trauma in the hospital records simply gives one confidence to establish that there was no mark on the abdomen. One might also want to cross her on her failure to mention such an injury to the medical personnel.

Structure. The structure of the problem is as follows. You have a preliminary hearing transcript which contradicts what the witness says in the police reports. Thus, much as in real life, you know going in that at trial you are going to impeach – you just don’t know how until you hear her trial testimony.

Performance. Your witness will be supplied with two alternate Q & A direct examination scripts. You and the trainees will have them for the pre-cross Brainstorm. A different coach will play prosecutor in performing each of the two scripts. Version A is consistent with the preliminary hearing, Version B with the police reports. (See next page.)

Please note: The police report (Box 81) says Carla Bridges had been drinking. Also note: The police report narrative says nothing about a cut or other injury.

VERSION A

(more or less consistent
with PH)

Q: Had you ever seen this man before?
A: No, never.

Q: Did he cut you?
A: Yes, he scratched me on the
stomach with the tip of the knife.

IMPEACH WITH
POLICE REPORT

Had seen him earlier that
evening in the Zanadu.
Heard him called "Robbie."

No mention of cutting or
scratching. (Omission
also from ER record.)

VERSION B

(consistent with
police report)

Q: Did you know this man?
A: Definitely not, but I had
seen him earlier in the
evening.

Q: Did he cut you?
A: No.

IMPEACH WITH
PH TRANSCRIPT

Q: Before that time had you
ever seen this man before?
A: No, never.

Q: Did he cut you?
A: Yes, a little. And he
told me to get on the bed
or he would cut me again.
(N.B. This now becomes a
demonstrable lie under
oath in an earlier
hearing in this case.)